

# **Town Board Minutes**

**Meeting  
No. 16**

***Special Meeting***

**June 1, 1998**

**Town Board Minutes**

**Meeting  
No. 17**

***Regular Meeting***

**June 1, 1998**

MEETINGS TO DATE 16  
NO. OF REGULARS 10  
NO. OF SPECIALS 6

LANCASTER, NEW YORK  
JUNE 1, 1998

A joint meeting of the Town Board and the Planning Board of the town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 1st day of June 1998, at 6:30 P.M. and there were

**PRESENT:** ROBERT GIZA, SUPERVISOR  
DONALD KWAK, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
FRANK DE CARLO, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

**ABSENT:** DAVID MARRANO, PLANNING BOARD CHAIRMAN  
MILDRED WHITTAKER, PLANNING BOARD MEMBER

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of one action.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
MOBILE ON THE RUN CONVENIENCE STORE AND CAR WASH SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Mobile on the Run Convenience Store and Car Wash site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOAR MEMBER GOBER, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
MOBILE ON THE RUN CONVENIENCE STORE AND CAR WASH SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 1.2± acres.

The location of the premises being reviewed is situate on the northeast corner of William Street and Transit Road.

**REASONS SUPPORTING DETERMINATION**

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type I threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
    - a) It is noted that a Special Use Permit is required. Fuel delivery and traffic safety concerns will be addressed at that time. Air quality and surface ground water would be affected in the event of a fuel spill.
  - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
**No adverse effects noted**
  - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
**No adverse effects noted**
  - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
**No adverse effects noted**
  - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action. Small to moderate growth is noted.  
**No adverse effects noted**
  - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
**No adverse effects noted**
  - C.7 Other impacts (including changes in use of either quantity or type of energy).  
**No adverse effects noted**
- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

Robert H. Giza, Supervisor  
Town of Lancaster

**SEAL**

June 1, 1998

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:


SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

June 1, 1998

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:45 P.M.

  
Robert P. Thill, Town Clerk

MEETINGS TO DATE 17  
NO. OF REGULARS 11  
NO. OF SPECIALS 6

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LANCASTER, NEW YORK  
JUNE 1, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Eric County, New York, was held at the Town Hall at Lancaster, New York on the 1st day of June 1998 at 8:00 P.M. and there were

**PRESENT:** DONALD KWAK, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT THILL, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR  
JOHANNA COLEMAN, RECEIVER OF TAXES  
CHRISTINE FUSCO, ASSESSOR  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

**PERSON ADDRESSING TOWN BOARD:**

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- Requested information on prefiled resolution number 12.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to consider the petition of the Bowmansville Volunteer Fire Association, Inc. for consent of the Town Board of the Town of Lancaster of the proposed issuance by the Bowmansville Volunteer Fire Association, Inc. of an obligation to the Manufacturers and Traders Trust Company for the purpose of constructing a fire truck bay addition, reconstruction and improvements to the fire station located at 36 Main Street, Bowmansville, New York, in the maximum principal amount of \$500,000.00, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

**PROPONENT**

Robert MacPeck, representing the  
Bowmansville Volunteer Fire Association

**ADDRESS**

**OPPONENTS**

None

**ADDRESS**

**COMMENTS & QUESTIONS**

Roy Schneggenburger

**ADDRESS**

87 Stony Road, Lancaster

ON MOTION BY COUNCIL MEMBER STEMPIAK, AND SECONDED BY  
COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing  
was closed at 8:35 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread  
at length in these minutes, taking favorable action upon this matter.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the minutes from Joint Meeting of the Town Board and the  
Planning Board held on May 18, 1998, and the Regular Meeting of the Town Board held on  
May 18, 1998, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
STEMPNIAK, TO WIT:

**RESOLVED**, that the resolution adopted by the Town Board of the Town of Lancaster on May 18, 1998, as it relates to the appointment of Riccardo M. Zuppelli to the position of Acting Police Lieutenant be and is hereby amended to read as follows:

**"RESOLVED**, that **RICCARDO M. ZUPPELLI**, 11 Old Post Road, Lancaster, New York 14086, be and hereby is appointed to the position of Acting Police Lieutenant in the Town of Lancaster Police Department, effective June 1, 1998, at a starting salary of \$52,456.00".

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER GIZA, WHO MOVED  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER KWAK, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter dated May 15, 1998 has requested permission to attend the Association of Towns Highway School in Ithaca, New York from June 7th through June 10th, 1998,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the **RICHARD L. REESE, JR.**, Highway Superintendent of the Town of Lancaster be and is hereby authorized to attend the Association of Towns Highway School in Ithaca, New York from June 7th through June 10th, 1998, and

**BE IT FURTHER**

**RESOLVED**, that expense reimbursement be and is hereby authorized in an amount not to exceed \$1,000.00, and

**BE IT FURTHER**

**RESOLVED**, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster, and

**BE IT FURTHER**

**RESOLVED**, that in order to fund this and other education related expenses for 1998, per the request of the Highway Superintendent in the above-mentioned letter, the following budget transfer be and hereby is approved in the 1998 adopted budget of the Town of Lancaster:

<b>General Fund</b>	<u><b>Decrease</b></u>	<u><b>Increase</b></u>
A1990.411 Contingency Account	\$1,500	
A5010.404 Highway Administration - Travel/M Meal Expense		<u>\$1,500</u>
<b>General Fund Totals</b>	<u>\$1,500</u>	<u>\$1,500</u>

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: RSEMMTGS (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
STEMPNIAK, TO WIT:

**RESOLVED**, that the resolution adopted by the Town Board of the Town of Lancaster on April 20, 1998, as it relates to the appointment of Leon Trzewieczynski to the position of Police Captain be and is hereby amended to read as follows:

**"RESOLVED**, as follows:

2. That the salary for this position is ~~\$58,551.00~~ as set forth in the 1998 Schedule of Salaries for said position."

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
KWAK, TO WIT:

**RESOLVED**, that the resolution adopted by the Town Board of the Town of Lancaster on May 18, 1998, as it relates to the appointment of Edward Wojtal to the position of Police officer be and is hereby amended to read as follows:

**"RESOLVED**, as follows:

1. That **EDWARD A. WOJTAL**, 133 Penora Street, Depew, New York 14043, be and is hereby appointed to the position of Police Officer in the Town of Lancaster Police Department effective **July 6, 1998.**"

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

FILE: ramend.gen (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Patrick Development of W.N.Y., Inc., 8610 Transit Road, East Amherst, New York 14051, the general construction contractor for the Town of Lancaster Youth Bureau Project, has submitted Change Order No. G-7 in the amount of \$39,850 to the Town Board for their approval,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves Change Order No. G-7 to Patrick Development of W.N.Y., Inc., with respect to the Youth Bureau Project according to the following description of a change to the contract:

**DESCRIPTION OF CHANGE ORDER NO G-7:**

Additional compensation for weather related construction delays.

**CHANGE ORDER NO. 1:**

The original Contract sum was ..... \$634,000.00  
Net change by previously authorized Change Orders ..... 8,095.00  
The Contract Sum prior to this Change Order was ..... \$642,095.00  
The Contract Sum will be **increased** by this Change Order in  
the amount of ..... 39,850.00  
The new Contract Sum increased including this Change Order  
will be ..... \$681,945.21

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, TYREE ENGINEERING, P.C., 4 Northway Lane, Latham, New York** has submitted a Site Plan, dated April 21, 1998 and revised May 11, 1998, for the construction of a Mobil On the Run gas station and convenience store on the northeast corner of William Street and Transit Road; in the Town of Lancaster, and

**WHEREAS,** the Planning Board has reviewed the plan, and at its meeting of May 6, 1998, recommended approval of this project, and

**WHEREAS,** a SEQR review was held on this project on June 1, 1998 and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the Site Plan prepared by **Tyree Engineering, P.C.,** dated April 21, 1998, and revised May 11, 1998 for the construction of a Mobil On the Run Gas station and convenience store on the northeast corner of William Street and Transit Road, in the Town .

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: rasite.698

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility in the Town of Lancaster, on property owned by Twin District Volunteer Fire Co, Inc., at 4999 William Street in said Town for the years 1998 and 1999, and

**WHEREAS**, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which said recreational area will be utilized by the Town of Lancaster:

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Supervisor be and is hereby authorized and directed to execute an Agreement between the Town of Lancaster and the Twin District Volunteer Fire Co., Inc. for the Lease by said Association to the Town of Lancaster of its play area on its premises at 4999 William Street in of Lancaster, for the operation of the Town's Recreation Program during its normal summer season for the years 1998 and 1999.
2. That the Town Attorney make distribution of the executed copies of said Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: rtdstplag

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER GIZA WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., (the "Fire Department") has obtained mortgage financing in the amount of \$500,000.00, to pay for a truck bay addition, reconstruction and improvements to a fire station located at 36 Main Street, Bowmansville, in the Town of Lancaster, New York, and

**WHEREAS**, Manufacturers and Traders Trust Company ("M & T Bank") has requested that the Fire Department obtain public approval for its issuance of its bond pursuant to Section 147 (f) of the Internal Revenue Code for tax exempt status for the bond to be issued by the Fire Department;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board after a public hearing following reasonable public notice does hereby pursuant to the I.R.C. Section 147 (f) approve of the issuance of the bond in connection with the mortgage financing by the Fire Department, and if necessary does authorize the Town Supervisor to sign any written approval forms requested by M & T Bank; and
2. Before the Town Supervisor signs any forms, they shall be reviewed by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: rbvfd.598

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, TOM FERRY and MARK DEAN, c/o DeanSutton Architects,**  
4700 Genesee Street, Cheektowaga, New York 14225 have petitioned the Town Board of the  
Town of Lancaster for the rezone of certain property located on the north side of William Street,  
west of Aurora Street in the Town of Lancaster, from an R-1 - Residential District One to an  
NB-Neighborhood Business District, and

**WHEREAS,** this Petition was referred to the Planning Board of the Town of  
Lancaster for review and recommendation, and

**WHEREAS,** a Public Hearing on this Petition for proposed rezone was held by  
the Town Board of the Town of Lancaster on the 4th day of May, 1998, pursuant to public  
notice duly published and posted, and

**WHEREAS,** full opportunity to be heard was given to all parties in interest, and

**WHEREAS,** a review of the Petition, evidence adduced at the said Public  
Hearing, and Zoning Map of the Town of Lancaster, reveals the following facts:

1. That the proposed rezone of the subject premises as an NB-Neighborhood Business District Use is to a use which is not presently provided for on the subject premises;
2. That the present Zoning Ordinance of the Town of Lancaster was adopted by the Town Board of said Town in November, 1989;
3. That there are areas within the Town of Lancaster which are presently zoned NB-Neighborhood Business District which would accommodate the petitioner's proposed use;
4. That the Petitioner knows the use group to which the subject premises is zoned, that being R-1 - Residential District One, and the use categories within the R-1 Use Group, as enumerated in the Town Zoning Ordinance;
5. That the Petitioner is on notice, by virtue of the Zoning Ordinance being a public record, that there are areas designated in the Zoning Ordinance and Zoning Map which are presently zoned to accommodate the Petitioner's proposed use.
6. That residents residing in the immediate proximity of the subject rezone raised concerns about noise, flooding, public safety and traffic, and adequate parking on the premises;

and,

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**WHEREAS**, the denial of this Petition for Rezone will not deny the reasonable use of the real property to the owner thereof, and

**WHEREAS**, the proposed reclassification does not fulfill a community need, but to the contrary, only fulfills the individual petitioner's needs, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that upon the testimony and evidence presented at the public hearing and based upon the foregoing findings, the petition of **TOM FERRY and MARK DEAN**, be and hereby is denied.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED NO

The resolution failed to receive a majority vote and was therefore **DEFEATED**.

June 1, 1998

File: rdnyfery

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster has heretofore entered into a Lease Agreement with Lancaster Mall, Inc., for premises located at 11 West Main Street, Lancaster, New York, and

**WHEREAS**, said Lease expires according to its terms October 31, 1998, and

**WHEREAS**, by letter dated May 17, 1998 Casilio Companies has furnished the Town with a First Addendum extending the lease of the premises to the Town for an additional two (2) year term;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves the "First Addendum" submitted by Casilio Companies by letter dated May 17, 1998, which Addendum extends the lease of the premises located at 11 West Main Street, Lancaster, New York, for an additional two (2) year term, commencing November 1, 1998 and terminating October 31, 2000 at an annual rate in the amount of \$15,400.00 as set forth in the Agreement, a copy of which is on file in the office of the Town Clerk , and

2. The Supervisor be and is hereby authorized to execute the before mentioned First Addendum..

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: rlanyofc

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, Pine Hill Materials Corp., 2255 Bailey Avenue, Buffalo, New York 14211, has applied for a Dumping Permit for property situated at the southeast corner of Pavement Road and Walden Avenue, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

**WHEREAS**, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Pine Hill Materials Corp., 2255 Bailey Avenue, Buffalo, New York 14211 be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at the southeast corner of Pavement Road and Walden Avenue, Lancaster, New York 14086, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

**BE IT FURTHER**

**RESOLVED**, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. Fill material, except for the berm screening, shall not be placed higher than the crown of the pavement on Pavement Road.
3. Material shall be placed so that the grade of the top falls to the southeast.
4. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
5. Roads must be cleaned on a daily basis and more often if necessary.
6. No fill to be placed in or along any natural drainage without approval from the Town Engineer and any other agency having jurisdiction.
7. Dumping will be allowed between the hours of 7 A.M. and 5 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.

**BE IT FURTHER**

**RESOLVED**, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

**BE IT FURTHER**

**RESOLVED**, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: RPERMIT.DUM(10-11)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the General Crew Chief, by letter dated May 27, 1998, has requested the appointment of a seasonal employee in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 1998,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual be and is hereby appointed to the position of seasonal employee for the summer season of 1998 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Thomas J. Kraus (new hire) 7 Partridge Walk, Lancaster	Lifeguard (Substitute)	\$5.25 hr

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take to necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: RPERS.SUM (P14)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts:

Claim No. 2347 to Claim No. 2569 Inclusive

Total amount hereby authorized to be paid: **\$486,515.03**

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Board has authorized an application for a grant in the sum of \$350,000 through the New York State Office of Parks, Recreation and Historic Preservation, and

**WHEREAS**, there is a need to define and adopt a comprehensive plan to address the town's natural, historical, cultural, open space and recreational resources which will be submitted with the beforementioned application, and

**WHEREAS**, the Town is reviewing a plan setting forth the goals and strategies of the Town with regard to the above application;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby adopts a plan to address the Town's natural, historical, cultural, open space and recreational resources to address the needs of the community as is set forth in the attached document.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: rnyspks

### **Natural and Cultural Resources, Open Space and Recreation Plan**

**Goal:** To protect the town's natural, historical and cultural resources; maintain and effectively manage public open space and recreational facilities.

**Strategies:**

- Ensure continued protection of the town's natural resources, such as Ellicott Creek and its surrounding wetlands, through the adoption of incentives and regulations, as appropriate
- Create an action plan for the identification, acquisition and management of properties that comprise a comprehensive open space and natural resource preservation system
- Ensure that provisions of the zoning ordinance promote open space and recreational needs through the use of incentives and regulations
- Ensure that recreational facilities and open space opportunities are accessible to all members of the community, including the physically challenged
- Review existing recreational facilities to determine if they continue to meet the needs of a growing community
- Identify provisions to appropriately record, interpret, acquire, maintain, and enhance, sites, artifacts, and programs that preserve and promote the town's historic and cultural resources, i.e. the Opera House

### **Recreation**

The Town offers an wide array of recreational opportunities. However, the Town's steadily increasing population continues to create demand for additional recreation facilities. To ease this growing demand, the Town has relied heavily on the school district for use of facilities such as pools and playgrounds. As the Town continues to develop, the need for additional recreation space will increase. Toward that end, potential sites should be considered for community recreation and/or nature observation sites when the opportunity presents its self and the need for such activities becomes evident.

Recreation Needs by Community					
Community	Future Population	Requirement in Acres	Parks Acres	Playfield Acres	Playground Acres
Bowmansville	8,550	66	22	13	31
Pleasant View	6,500	50	17	10	23
Fast Genesee	1,350	10	3	2	5
South Lancaster	10,000	77	26	15	36
Como Park	7,650	59	20	12	27
Cayuga	4,650	36	12	7	17
Totals	38,700	298	100	59	139

The above table indicates that:

There is approximately the same need for park acreage north of the railroad corridor as there is in the combined southern-central parts of the Township.

There is a future need for 25 acres of playfield north of the railroad corridor and nearly 35 acres in the rest of the Town.

There is a future playground need north of the railroad corridor equivalent to 6 - 10 acre sites. The playground need in the remainder of Lancaster is equivalent to 8 - 10 sites.

#### **Park System**

The Town currently operates four parks, two community parks and two neighborhood parks. Community parks are defined as parks in excess of twenty acres which service a large segment of the community. Community parks are host to a variety of recreational facilities, including both passive and active recreation areas. Users may walk, bicycle, or drive to the facility. Neighborhood parks are defined as those less than twenty acres in size and which service the population in close proximity. These smaller facilities attract users from a smaller but more densely population area and users typically walk to the park. The neighborhood parks are dominated by active recreation facilities.

#### **Community Parks**

**Westwood Park** - The Town's newest park, Westwood Park, is still under development. This 194-acre park lies near the center of Town, in between Pavement Road, Erie Street, Westwood

Road and Schwartz Road. The major emphasis of this park is its natural features, taking advantage of the wooded areas and wetlands. Only about 1/3 of the park will be developed for active recreation. Phase I of the development, completed in 1997, includes a 3 acre stocked lake, six baseball fields, two T-Ball fields, a playground, a multi-purpose field, seven picnic shelters, and a 1.5 mile hiking/bicycle/cross country skiing/snow shoe path. Other amenities include a pavilion with concession stand, lavatories, and fireplace.

The Town's first priority to improve recreation facilities within the Town is the acquisition of undeveloped land adjacent to the park and completion of Phase II development of recreation facilities within the park.

**Land Acquisition** - Two parcels of undeveloped land immediately adjacent to the park are desirable for inclusion in the park. The first parcel, located to the north of the existing park, consists of sixteen acres. The second parcel, located to the west of the park, consists of 16 acres. Each of these parcels consists of wooded lands. The Town desires acquisition of these parcels to curb development in the area and add to the recreational experiences available at Westwood Park.

**Development of Additional Recreation Facilities** - Phase II development will consist of two sand volleyball courts, an additional playground, one soccer field, extension of the trail system to the newly acquired land parcels, (installation of a handicapped accessible fishing pier at the lake, 2 basketball courts, 2 tennis courts, a 1750 sq. ft. observation platform for the wetlands, additional lavatory facilities, and additional parking for 50 - 75 cars.

The remaining site area will not be disturbed except for the nature trails, which will be handicapped accessible. Schools and other groups may use this area as an outdoor classroom, offering passive recreational and nature interpretation opportunities that currently were not otherwise available in the Town.

**Walden Pond Park** - Walden Pond Park is located in the northeastern corner of the Town on Walden Avenue and Ransom Road. This 56 acre park contains seven stone picnic shelters, seven baseball fields, an all-purpose field, four sand volleyball pits, and a playground. Future development plans for the park include the installation of a concession stand, a walkway from Peppermint Road to accommodate children living in that vicinity, and score boards at 2 of the ball diamonds.

This is the Town's second priority for the development of recreational facilities.

#### **Neighborhood Parks**

**Keysa Town Park** - One of two neighborhood parks in the Town of Lancaster, Keysa Town Park, is located in the Village of Lancaster. This 9-acre park offers a variety of recreational opportunities. Keysa Town Park has a pool, a wading pool, basketball courts, tennis courts, horseshoe pits, softball and baseball fields, a playground and play area, and two picnic shelters.

**Meadowlea** - The smallest park in the town, Meadowlea, is located just north of the village. This 5-acre park has a wading pool, playground, basketball courts, softball fields, and a picnic shelter.

### Environmentally Sensitive Areas

**Ellicott Creek Conservation Area** - This area (ECCA), located along Ellicott Creek between Harris Hill Road and Pavement Road, has been identified as a significant and valuable environmental feature. Preserving this area will provide wetland, floodplain and habitat protection. Protection of the ECCA should be a priority for the town. Throughout the town, the potential exists to protect open space or create passive parks and public access, particularly along Ellicott Creek, Cayuga Creek and Little Buffalo Creek. Realization of these opportunities can occur by encouraging the preservation of open space or providing public access to these resources as abutting properties are developed. The town, with private, county and state assistance, could begin a long range program to acquire parcels or conservation and/or access easements in the ECCA or other green way corridors. This long range action would ensure that these significant natural and recreational resources would be available to residents of all ages for current and future generations. The value of this green way would increase significantly over time, adding to the community assets of the town. Existing programs, such as Ecology and Environment's open space and habitat restoration program, should be held as examples and used as catalysts for the development of similar projects.

**Greenways/Linkages** - The establishment of a "green way" has been recommended as a means of recognizing the value of Ellicott Creek, Cayuga Creek and Little Buffalo Creek as significant natural resources. A 100-foot buffer on either side of the watercourses would contribute to the protection of stream corridors, wildlife habitat, the fisheries resource and floodplains.

The establishment of Greenways not only offers habitat protection, but could also provide a significant recreation and open space link throughout the community. The development of small parks along the green way would help tie the system together, and the bikeway system will offer additional connections.

The establishment of a canoe route along Ellicott Creek from Stony Road to Ransom Road has been proposed. This project would entail removing obstructions and debris from the stream and designating small parking areas at the access points.

The greenway should be considered a cooperative community conservation/recreation project. It is expected to be achieved through multiple efforts, including potential land donations, set asides associated with land improvement and development projects, highway projects, state and federal grant projects, potential county recreation programs, town recreation programs, community service efforts, and school district involvement. In short, any number of organizations and individuals could help to achieve the green way.

### Bikeway System

A similar cooperative program as described for the green way system could be carried out for a bikeway. As the next step in the process, a committee of interested citizens could be formed to begin the necessary discussions to advance this proposal. The town will have to work with the

county where establishment of the bikeway along existing roads is recommended.

The bikeway system has been recommended to provide non-motorized connections between population centers, recreations areas and adjacent communities. The bikeway could generally follow the town's roadway system, incorporating abandoned railroad lines when feasible, and is designed to offer an alternative to typical automobile transportation. This system could range from separate trails along the roads to roadway shoulders designated for bike use. One leg of the system has been identified along the inactive railroad bed (currently owned by the town), from Pavement Road to Townline Road. The remaining system connects to the villages and Cheektowaga to the west, travels past the town's parks, the proposed Town Center and to Alder to the east.

#### **Growth Management/Open Space Preservation**

One of the most important components is the proposed conservation easement program. This program has been recommended for the Town's Medium Density and Rural Residential Zones. It would be a voluntary program offering tax incentives for open space preservation. This program should highlight priority sites, such as the Ellicott Creek Conservation Area. Sensitive natural resources and significant viewsheds should also be targeted.

The other major recommendation of the plan is to develop a cluster provision in zoning ordinance for use in the Medium Density and Rural Residential Zones. This program should utilize incentives, such as bonus units, to promote the goals of the plan. The goal of this program would be to preserve open spaces and sensitive natural resources by concentrating development on the most suitable areas of a site.

Finally, the green way and park system highlighted above including the Ellicott Creek Conservation Area, are aimed at preserving open spaces and the rural character of the community. These activities will help to offset some of the growth impacts felt in other areas of the community and will help to preserve the overall quality of life in Lancaster.

#### **Regulatory Actions**

Stream corridors should be afforded additional protection through the development and adoption of a stream corridor protection ordinance (this can be included as part of the suggested changes to the town zoning ordinance).

Another mid-term action might be the establishment of a conservation easement program. The development of a system for managing easements (or identification of a conservancy group for this role) and offering tax incentives for participating in the program are preliminary steps in setting up such program.

**General Plan Conclusion**

This comprehensive planning project was initiated for two general purposes. Primarily it will function as a planning tool for future recreation facility planning and development. The other purpose is to recommend and/or analyze projects and policies which would be beneficial to the long term sustainability of both the community and the environment. If this is accomplished, the plan will have a positive impact on the community.

The plan identifies opportunities that exist within the town and provides guidance and recommendations as to how the town might use these opportunities to achieve the goal of permanently preserving open space and significant natural features as a community asset.

These recommendations are aimed at balancing growth and preservation of important features in the community. The relationship and coordination between the Ellicott Creek Conservation Area, the green way system, community parks and the bikeway should be important planning considerations. Innovative growth management techniques have been incorporated into the plan to further these goals. The policy for development set forth in the comprehensive plan will have a positive impact on the future of the community as a whole.

May 1998

**General Plan Conclusion**

This comprehensive planning project was initiated for two general purposes. Primarily it will function as a planning tool for future recreation facility planning and development. The other purpose is to recommend and/or analyze projects and policies which would be beneficial to the long term sustainability of both the community and the environment. If this is accomplished, the plan will have a positive impact on the community.

The plan identifies opportunities that exist within the town and provides guidance and recommendations as to how the town might use these opportunities to achieve the goal of permanently preserving open space and significant natural features as a community asset.

These recommendations are aimed at balancing growth and preservation of important features in the community. The relationship and coordination between the Ellicott Creek Conservation Area, the green way system, community parks and the bikeway should be important planning considerations. Innovative growth management techniques have been incorporated into the plan to further these goals. The policy for development set forth in the comprehensive plan will have a positive impact on the future of the community as a whole.

May 1998

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby  
approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are  
waived for this permit.

(CSW) = Conditional sidewalk waiver.

**NEW PERMITS:**

4992	Anthony Siresi	288 Iroquois Ave	Er. Deck/Pool
4993	Chris Worth	61 Newberry Ln	Er. Fence
4994	Dan Konst	44 Sagebrush Ln	Er. Pool
4995	Paul Hollins	6 Chapin Cir	Er. Deck
4996	Greg Shuler	18 Quail Run Ln	Er. Deck
4997	Rita Marciszewski	18 Pine View Ln	Er. Shed
4998	Lori Ward	4853 William St	Er. Shed
4999	Richard Keller	12 Northbrook Ct	Er. Shed
5000	Estelle Amborski	48 Markey Ave	Er. Fence
5001	Majestic Pools Inc	23 Rue Madeleine Way	Er. Fence/Pool
5002	All Craft Inc	482 Pleasant View Dr	Er. Shed
5003	Cathy Reilly	4 Hedge Ln	Er. Pool
5004	Lisa Kaempf	25 Arrow Tr	Er. Shed
5005	Lancaster Lions Club	200 Oxford Ave	Er. Gazebo
5006	James Hammerling	6517 Broadway	Er. Shed
5007	Joseph Bitka	21 Sugarbush Ln	Er. Fence
5008	Thurmac Bldrs	2675 Wehrle Dr	Er. Deck
5009	Kathy Stuczynski	44 Stony Brook Dr	Er. Fence
5010	Patrick Jerge	5070 William St	Er. Fence
5011	William Paulot	131 Siebert Rd	Er. Pool
5012	Susan Arcese	427 Lake Ave	Er. Pool
5013	Andrew Schwec	289 Enchanted Fst N	Er. Deck
5014	Jeffrey Li Puma	20 Hidden Tr	Er. Shed
5015	Henry Wojcik	20 Stone Hedge Dr	Er. Deck/Roof
5016	Michael Gallivan	14 Winding Way	Er. Shed
5017	DeStefano	1302 Townline Rd	Replace Roof/Rafters

5018	Mike O'Neill	14 Woodgate Dr	Er. Pool
5019	Jessie Forney	19 Riemers Ave	Er. Deck
5020	Robert Szretter	3 Stone Hedge Dr	Er. Shed
5021	Larry Wolfe	20 Hunters Dr	Er. Shed
5022	Vaughn Becker	601 Columbia Ave	Er. Shed
5023	Donato Developers	17 Cobblestone Ct	Er. Sin. Dwlg
5024	Moeller Bldrs	12 Candlestick Ct	Er. Sin. Dwlg
5025	Thomas Samborski	4888 William St	Er. Deck
5026	Lori Poepel	9 Chapin Cir	Er. Pool
5027	Barbara Decaire	2 Broadmoor Ct	Er. Shed
5028	Elizabeth Challingsworth	8 Hillside Pkwy	Er. Deck/Pool
5029	Joseph Selapack	563 Harris Hill Rd	Inst. Bath Room
5030	Decks Unlimited Const	21 Gale Dr	Er. Deck
5031	Lancaster Rural Cemetery	70 Cemetery Rd	Ex. Garage
5032	Michael Was	593 Erie St	Er. Fence
5033	James Brady	36 Hidden Tr	Er. Deck
5034	M J Ogiony Bldrs	52 Creekwood Dr	Er. Sin. Dwlg
5035	Donna Harris	32 Chestnut Corner	Er. Deck
5036	Glenn Herrnreiter	47 W Home Rd	Er. Shed
5037	Susan Wisniewski	1 Bridgewater Ct	Er. Shed
5038	Mark Baron	18 Clermont Ct	Er. Deck/Pool
5039	Richard Kamats	32 Grafton Ct	Er. Deck
5040	Bert Spaeth	22 Rue Madeleine Way	Er. Shed
5041	Laureen Patel	18 Michael's Wlk	Er. Deck
5042	Wienckowski, Bldrs	138 Stony Rd	Ex. Sin. Dwlg
5043	John Adolf	68 Stony Rd	Er. Shed
5044	Kids Korner Inc	2655 Wehrle Dr	Er.Temp. Sign
5045	Heritage Home Bldrs Inc	21 Katelyn Ln	Er. Sin. Dwlg
5046	Keith Barnes	68 Creekwood Dr	Er. Shed
5047	Paul Sortisio	290 Enchanted Fst N	Er. Roof
5048	Brian J Schneider	72 Stutzman Rd	Er. Fence
5049	Rebecca J Anderson	493 Lake Ave	Er. Shed
5050	Marrano/Marc Equity	31 Woodgate Dr	Er. Sin. Dwlg
5051	Marrano/Marc Equity	90 Old Post Rd	Er. Sin. Dwlg
5052	Marrano/Marc Equity	32 Woodgate Dr	Er. Sin. Dwlg
5053	Majestic Pools Inc	139 Siebert Rd	Er. Fence/Pool

5054	Bruce Bommer	5688 Genesee St	Er. Garage
5055	Fischione Const Co Inc	18 Arrow Tr	Er. Sin. Dwlg
5056	Tom Brych	59 Old Post Rd	Er. Deck
5057	Richard Cleland	4 Kelly Ann Dr	Er. Pool
5058	Dave Schwegmann	104 Michael's Wlk	Er. Fireplace

and,

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution

**SUSPENSION GRANTED.**

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK. WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:**

**WHEREAS**, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224 has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Trentwood Trail Subdivision Phase I, and

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Applications Nos. 483, 484, 485, and 486 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, for the installation of:

P.I.P. No.483 (Storm Sewer)	326 LF 12"pipe 1000 LF 15" pipe, 484 LF 36" pipe 9 manholes, 9 road receivers, 1945 LF 6" pipe, 11 receivers and 20 rear yard drains.
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P.I.P. No. 484 (Detention Basin)	Dry pond detention basin
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P.I.P. No. 485 (Pavement & Curbs)	1860± LF of road with 3720 LF 6" upright curb and underdrain.
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P.I.P. No. 486 (Waterline)	1705 LF 8" PVC pipe, 200 LF 10" PVC pipe, 4 hydrants and 11 valves
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be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 1, 1998

File: RPIP (P2)

**COMMUNICATIONS:**

Page 387

357. Town Board Proclamation -  
Commendation to Mark Lubera re: receipt of Lawrence R. Martin Parks Management Award.  
DISPOSITION = Received & Filed
358. Moody's Investors Service to Dir. Of Admin. and Finance -  
Notification of A2 rating on Town's General Obligation bonds. DISPOSITION = Received & Filed
359. County Health Dept. To Marrano/Marc Equity, Corp. -  
Transmittal of Certificate of Approval of Realty Subdivision Plans for Trentwood Trail Subdivision. DISPOSITION = Received & Filed
360. Jaeckle Fleischmann & Mugel, LLP to Supervisor -  
Prospectus of services re: SEQRA projects. DISPOSITION = Received & Filed
361. CSEA to Supervisor -  
Request commencement of negotiations between Town and Lancaster White Collar Unit.  
DISPOSITION = Supervisor and Town Attorney
362. CSEA to Supervisor -  
Request commencement of negotiations between Town and Lancaster **Blue** Collar Unit.  
DISPOSITION = Supervisor and Town Attorney
363. County Health Dept. to D'Aprile Springs Homeowners Assoc. Inc.  
Transmittal of Certificate of Approval of Realty Subdivision Plans for D'Aprile Springs Subdivision. DISPOSITION = Received & Filed
364. Lawley Service to Municipal Insurance Consultants, Inc. -  
Advisement of negotiated 10% rate reduction on Town's renewal coverages. DISPOSITION = Received & Filed
365. Wendel to Town Engineer -  
Request payment of change order G-7 to Patrick Development of WNY re: Youth Bureau construction. DISPOSITION = Received & Filed
366. Disaster Coordinator to Town Board -  
Minutes from Safety Committee meeting held 5/21/98. DISPOSITION = Received & Filed
367. Building Inspector to Town Board -  
Recommend Lovejoy Buildings, Inc. be permitted to removed 5850 CY of excess topsoil from Michael's Landing site. DISPOSITION = Received & Filed
368. Swimco Pools Inc. to Town Board -  
Request refund of building permit No. 4847 issued 4/20/98 for premises situate at 8 Kennedy Ct. DISPOSITION = Received & Filed
369. NEST to Town -  
Memorandum of Understanding - household hazardous waste drop off day scheduled for 6/20/98 at ECC South Campus. DISPOSITION = Received & Filed
370. Federal and State Bank Regulatory Agencies to Supervisor -  
Invitation to a CD Investment Information Forum to be held 6/30/98 in Buffalo.  
DISPOSITION = Received & Filed
371. NYSDOT to Supervisor -  
Notification of award of grant portion of CHIPS Program. DISPOSITION = Highway Superintendent
372. Town Line VFD to Chair., Public Safety Committee -  
Submittal of rough draft for proposed Public Safety Department. DISPOSITION = Town Attorney, Supervisor, Public Safety Committee
373. Town Clerk to Zoning Board Members, Building Inspector and Town Attorney -  
Transmittal of petitions for meeting to be held 6/11/98. DISPOSITION = Received & Filed
374. NFTC to Supervisor -  
Transmittal of NFTC Bicycle Plans. DISPOSITION = Received & Filed
375. Town Clerk to Media -  
Notice of SEQR meeting to be held at 6:30 PM on 6/1/98 re: Mobile on the Run Convenience Store and Car Wash site plan for premises situate at William St./Transit Rd. DISPOSITION = Received & Filed

376. Town Engineer to Town Board -  
Recommend approval of Change Order G-7 for Patrick development re: Youth Bureau project. DISPOSITION = Received & Filed
377. Planning Board to Town Board -  
Notification that no applications were filed for meeting of 6/3/98. DISPOSITION =
378. Donald G. Symer to Town Board -  
Comments re: proposed improvements to Bowmansville VFA fire station. DISPOSITION = Received & Filed
379. Insurance Services Office, Inc. to Bowmansville VFA Chief -  
Comments and transmittal of Classification Details and Improvements Statements in response to request. DISPOSITION = Received & Filed
380. Town Fire Inspector to Town Line Fire Dept. -  
Recommendations re: marking of fire hydrants. DISPOSITION = Received & Filed
381. NYSDOT to Supervisor -  
Request for assistance in gathering information necessary to complete the Final Design Report/Final Environment Impact Statement/Final 4(f) Evaluation re: the reconstruction of Broadway through the Villages of Depew and Lancaster. DISPOSITION = Town Engineer
382. Swimco Pools Inc. to Town Board -  
Request refund of building permit No. 4842 issued 4/13/98 for premises situate at 42 Via Donato East. DISPOSITION = Received & Filed
383. Town Engineer to Town Board -  
Recommend issuance of dumping permit to Pine Hill Materials Corp for premises situate at the southeast corner of Pavement Rd/Walden Ave. DISPOSITION = Received & Filed
384. General Crew Chief to Supervisor -  
Request appointment of substitute lifeguard for 1998 season. DISPOSITION = Received & Filed
385. Chairperson Ardino, Recreation Commission, to Supervisor -  
Endorsement of Town of Lancaster Parks Plan with request that Town Board adopt resolution re: this plan. DISPOSITION = Received & Filed

**ADJOURNMENT:**

ON MOTION OF SUPERVISOR GIZA AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 8:45 P.M. in memory of Council Member Miller who died today.

Signed Robert P. Thill  
Robert P. Thill